



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Ordinance No. 1752 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 10.04, 'Words and Phrases Defined,' by Adding Section 10.04.010 C (9) Defining Utility Trailer and Amending Chapter 10.52, 'Regulation of Commercial Vehicle Travel and Parking,' by Repealing and Re-Enacting Section 10.52.060 (C) Relating to Utility Trailers"

**MEETING DATE:** October 6, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1752.


**BACKGROUND INFORMATION:** Ordinance No. 1752 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 10.04, 'Words and Phrases Defined,' by Adding Section 10.04.010 C (9) Defining Utility Trailer and Amending Chapter 10.52, 'Regulation of Commercial Vehicle Travel and Parking,' by Repealing and Re-Enacting Section 10.52.060 (C) Relating to Utility Trailers" was introduced at the regular City Council meeting of September 15, 2004.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

**FUNDING:** None required.

  
Susan J. Blackston  
City Clerk

SJB/JMP

Attachment

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**APPROVED:** \_\_\_\_\_  
Janet S. Keeter, Interim City Manager

ORDINANCE NO. 1752

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING CHAPTER 10.04, "WORDS AND PHRASES  
DEFINED," BY ADDING SECTION 10.04.010 C (9) DEFINING  
UTILITY TRAILER AND AMENDING CHAPTER 10.52,  
"REGULATION OF COMMERCIAL VEHICLE TRAVEL AND  
PARKING," BY REPEALING AND RE-ENACTING SECTION  
10.52.060 (C) RELATING TO UTILITY TRAILERS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 10.04 "Words and Phrases Defined" is hereby amended by adding Section 10.04.010 C (9.) to read as follows:

9. "Utility trailer" is any trailer or semitrailer used solely for the transportation of the user's personal property and that does not exceed a gross weight of 10,000 pounds.

SECTION 2. Chapter 10.52 "Regulation of Commercial Vehicle Travel and Parking" is hereby amended by repealing and re-enacting Section 10.52.060 (C) relating to utility trailers and shall read as follows:

- C. This section shall not apply to utility trailers as defined in this Code or trailer coaches (travel trailers) as defined in the Vehicle Code.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner, which imposes upon the City, or any officer, employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of all liability for damages, except as otherwise imposed by law.

SECTION 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 6<sup>th</sup> day of October, 2004

  
JOHN BECKMAN  
Mayor Pro Tempore

Attest:

  
SUSAN J. BLACKSTON  
City Clerk

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State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1752 was introduced at a regular meeting of the City Council of the City of Lodi held September 15, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held October 6, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, and Howard

NOES; COUNCIL MEMBERS – None


ABSENT: COUNCIL MEMBERS – Land and Mayor Hansen

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1752 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

  
D. STEPHEN SCHWABAUER  
City Attorney